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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,862	01/21/2005	Paulus Cornelis Neervoort	NL 020772	1298

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HOEL, MATTHEW D

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/521,862

Applicant(s)

NEERVOORT ET AL.

Examiner

Matthew D. Hoel

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 to 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kagan, et al. (U.S. patent 5,618,045 A).
1. As to Claim 1: '045 teaches a method of performing a competition between teams by means of at least two sets of modular units (Abst., Fig. 9, the method comprising acts of connecting a first set of modular units to a second set of modular units, wherein each set comprises at least one modular unit (player can play on a team, 5:1-14; as in basketball game of Fig. 2, 4:32-42); determining which first modular unit in the first set is connected to which second modular unit or units in the first set (player can select which team to join, such as a first team, 4:23-32, 5:1-7,34-41); determining which third modular unit in the second set is connected to which fourth modular unit or units in the second set (a second player can join the same or an opposite team, 4:23-32, 5:1-7,34-41); determining a set of information items for at least one modular unit, wherein each information item individually relates to a specific modular unit in said sets

(unique identifier for each device, 5:67-6:6); and wherein said set of information items represents competition-related information (ID used to join game, 5:67-6:7; and subsequently join a team, 5:1-13), and wherein said set of information items comprises connection-related information indicating locations of said modular units relative to one another as interconnected in a common game space (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51. The examiner notes that the claim language does not require the actual positions of the players to correspond to the relative positions of their respective virtual players in virtual space); distributing the set of information items to the corresponding modular units; and presenting said set of information items on the modular units (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51).

2. As to Claim 5: '045 teaches a computer system for performing a competition between teams by means of at least two sets of modular units (Abst., Fig. 1, 3:41-53), said computer system comprising means for connecting a first set of modular units to a second set of modular units (wireless LANs in Para. 63 and local handshake protocols for direct connections between devices in Para. 59 of applicants' specification equivalent structure to wireless ad-hoc communications of '045, Figs. 1 & 3, 3:41-53, 4:23-32, 5:32-56), wherein each set comprises at least one modular unit (player can play on a team, 5:1-14; as in basketball game of Fig. 2, 4:32-42); means for determining which modular unit is connected to which second modular unit or units in the first and

the second set (player can select which team to join, such as a first team, 4:23-32, 5:1-7,34-41); means for determining a set of information items, wherein each information item individually relates to a specific modular unit in said sets (a second player can join the same or an opposite team, 4:23-32, 5:1-7,34-41); and wherein said set of information items represents competition-related information, and wherein said set of information items comprises connection-related information indicating locations of said modular units relative to one another as interconnected in said sets in a common game space (ID used to join game, 5:67-6:7; and subsequently join a team, 5:1-13); means for distributing the set of information items to the corresponding modular units in said sets (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51. The examiner notes that the claim language does not require the actual positions of the players to correspond to the relative positions of their respective virtual players in virtual space); and means for presenting one of said information items (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51).

3. As to Claim 6: '045 teaches a computer-executable code stored on a computer-readable medium (gaming devices of '045 will inherently have memory with the game programmed into it, evidenced by U.S. patent 5,428,528 A, Figs. 2 & 3, 3:53-4:2, 4:6-24) for performing a competition between teams by means of at least two sets of modular units (player can play on a team, 5:1-14; as in basketball game of Fig. 2, 4:32-

42), said code when executed by a computer, executes acts of connecting a first set of modular units to a second set of modular units, wherein each set comprises at least one modular unit (player can play on a team, 5:1-14; as in basketball game of Fig. 2, 4:32-42); determining which first modular unit in the first set is connected to which second modular unit or units in the first set (player can select which team to join, such as a first team, 4:23-32, 5:1-7,34-41); determining which third modular unit in the second set is connected to which fourth modular unit or units in the second set (a second player can join the same or an opposite team, 4:23-32, 5:1-7,34-41); determining for a set of information items at least one modular unit (unique identifier for each device, 5:67-6:6), wherein each information item individually relates to a specific modular unit in said sets; and wherein said set of information items represents competition-related information (ID used to join game, 5:67-6:7; and subsequently join a team, 5:1-13), and wherein said set of information items comprises connection-related information indicating locations of said modular units relative to one another as interconnected in a common playfield (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51. The examiner notes that the claim language does not require the actual positions of the players to correspond to the relative positions of their respective virtual players in virtual space); distributing the set of information items to the corresponding modular units; and presenting said set of information items on the modular units (players moves in virtual basketball court space are broadcast to other players in ad-hoc

network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51).

4. As to Claim 7: '045 teaches a modular unit for performing a competition between teams by means of at least two sets of modular units (Abst., Fig. 1, 3:41-53), said modular unit comprising means for connecting a first set of modular units to a second set of modular units, wherein each set comprises at least one modular unit (player can play on a team, 5:1-14; as in basketball game of Fig. 2, 4:32-42; wireless LANs in Para. 63 and local handshake protocols for direct connections between devices in Para. 59 of applicants' specification equivalent structure to wireless ad-hoc communications of '045, Figs. 1 & 3, 3:41-53, 4:23-32, 5:32-56); means for determining which modular unit is connected to which second modular unit or units in the first and the second set (player can select which team to join, such as a first team, 4:23-32, 5:1-7,34-41; a second player can join the same or an opposite team, 4:23-32, 5:1-7,34-41); means for determining a set of information items, wherein each information item individually relates to a specific modular unit in said sets (ID used to join game, 5:67-6:7; and subsequently join a team, 5:1-13); and wherein said set of information items represents competition-related information, and wherein said set of information items comprises connection-related information indicating locations of said modular units are located relative to one another as interconnected in said sets in a common game space (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51. The examiner notes that the claim language does not require the actual

positions of the players to correspond to the relative positions of their respective virtual players in virtual space); means for distributing the set of information items to the corresponding modular units in said sets; and means for presenting one of said information items (players moves in virtual basketball court space are broadcast to other players in ad-hoc network, 7:1-11; represented on screen 26 of each respective gaming device, Fig. 2, 4:33-51).

5. As to Claims 2, 8, 10, 12, 14, and 16: '045 teaches receiving a first information item representing a property of a modular unit or each modular unit (each unit has a unique identifier, 5:67-6:6; each unit also has a team assignment, 4:23-32, 5:1-14,34-41).

6. As to Claims 3, 9, 11, 13, 15, and 17: A '045 teaches receiving a second information item representing a first competition or a second competition (plural games as game sessions can begin and end, 5:-33-41; another player can elect to join or not to join any given game, 6:25-40; up to fifteen players can be accommodated, 6:54-59, so in the event of 10 players in a five-on-five basketball game, the game would round out five additional players for a second game, 5:1-14).

7. As to Claim 4: '045 teaches disconnecting a third set of modular units from the first and second set of modular units, wherein said third set comprises at least one modular unit; and connecting a fourth set of modular units to said first and second set of modular units, wherein said fourth set comprises at least one modular unit (player can select which team to join, such as a first team, 4:23-32, 5:1-7,34-41; a second player

can join the same or an opposite team, 4:23-32, 5:1-7,34-41; players can join or leave a game at any time, 5:33-41).

Response to Arguments

8. Applicant's arguments with respect to claims 1 to 17 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents 5,396,225 A; 5,184,830 A; 6,540,614 B1; and 5,428,528 A teach modular gaming devices. U.S. patent publications 5,702,305 A; 6,524,189 B1; 6,383,075 B1; 2002/0006825 A1; 6,287,200 B1; 5,738,583 A; 6,354,946 B1; and 6,585,597 B2 teach wireless modular gaming devices. U.S. patents 6,292,198 B1 and 6,500,070 B1 teach representing relative positions in virtual game spaces.

Conclusion

10. The corrected oath of 01-07-2009 is accepted.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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